

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

HENDRIK BLOCK,

Plaintiff,

V.

MOHAMED NASSER SALEM,
individually and dba OUICK MART,

Defendant.

No. 1:22-cv-1596 JLT BAM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING IN
PART PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT, AND DIRECTING
THE CLERK OF COURT TO CLOSE THIS
CASE**

(Docs. 14, 18)

Hendrik Block seeks default judgment against Mohamed Nasser Salem, individually and dba Quick Mart, for violating Title III of the Americans with Disabilities Act. (Doc. 14.) The magistrate judge found default judgment was appropriate for Plaintiff's claim arising under the ADA, and recommended the requested injunctive relief be granted. (Doc. 18 at 4-9.) In addition, the magistrate judge found an award of fees and costs was appropriate, and recommended Plaintiff be awarded attorneys' fees in the modified amount of \$1784.000 and litigation costs in the amount of \$804.26, for a total award of \$2,588.26. (*Id.* at 9-12.)

The Findings and Recommendations were served on Plaintiff on July 17, 2023; and Plaintiff served Defendant by mail on November 13, 2023. (Doc. 20 at 1-2.) The parties were informed any objections were due within 14 days of the date of service. (Doc. 18 at 12-13.) In addition, the Court advised the parties that the failure to file objections within the specified time may result in the waiver of rights on appeal. (*Id.* at 13, citing *Wilkerson v. Wheeler*, 772 F.3d 834,

1 838-39 (9th Cir. 2014), *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991).) Given the delay
2 in service, any objections from Defendant were due no later than November 30, 2023. Neither
3 party filed objections, and the deadline to do so expired.

4 According to 28 U.S.C. § 636 (b)(1)(c), this Court performed a *de novo* review of the
5 case. Having carefully reviewed the entire matter, the Court concludes the Findings and
6 Recommendations are supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 7 1. The findings and recommendations issued on July 17, 2023 (Doc. 18) are
8 **ADOPTED** in full.
- 9 2. Plaintiff's motion for default judgment is **GRANTED**.
- 10 3. Defendant is found and declared to be in violation of Title III of the Americans
11 with Disabilities Act.
- 12 4. Judgment **SHALL** be entered in favor of Plaintiff and against Defendant.
- 13 5. Plaintiff's request for fees, costs, and litigation expenses is **GRANTED IN PART**,
14 in the modified amount of \$2,588.26.
- 15 6. Plaintiff's request for injunctive relief is **GRANTED**.
- 16 7. Defendant is **ORDERED** to make the following modifications to the facility
17 known as Quick Mart, located at 2329 North First Street in Fresno, California
18 93703, such that the property is brought into compliance with the accessibility
19 requirements of the Americans with Disabilities Act as follows:
 - 20 a. Provide a properly configured and identified accessible parking stall.
 - 21 b. Provide a properly configured accessible route of travel from the designated
22 accessible parking stall to the Facility entrance.
 - 23 c. Provide and maintain proper clear width and level surface of the routes of
24 travel through the aisles inside of the Facility.
 - 25 d. Provide a properly configured accessible portion of the transaction counter [or
26 auxiliary surface].

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1 8. The Clerk of Court is directed to close this case.
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3 IT IS SO ORDERED.
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Dated: December 7, 2023


UNITED STATES DISTRICT JUDGE